

REMARKS

Reexamination of the captioned application is respectfully requested.

A. SUMMARY OF THIS AMENDMENT

By the current amendment, Applicant basically:

1. Thank the Examiner for allowance of independent claims 27 and 28.
2. Thank the Examiner for the rejoinder of claims per 1184 OG 86.
3. Respectfully traverse the provisional obviousness-type double patenting rejection.
4. Respectfully traverse all prior art rejections.
5. Apprise the Examiner of the submission (under separate cover) of the priority document.

B. PROVISIONAL OBVIOUSNESS-TYPE DOUBLE PATENTING REJECTION

Claims 1, 2, 4, 5, 11 - 15, 29, 32 - 36 are provisionally rejected under the judicially-created doctrine of obviousness-type double patenting over claims 1 - 36 of US Patent application Serial Number 09/773,384. Applicant respectfully submits that the provisional obviousness-type double patenting rejection is premature.

The copending application Serial Number 09/773,384 has not yet been examined. No claims of the copending application Serial Number 09/773,384 are allowed yet, and it is not ascertainable at this time what claims will ultimately issue in any patent based on copending application Serial Number 09/773,384.

Without conceding any issue of obviousness either now or in the future, or the propriety of any such provisional obviousness-type double patenting rejection, Applicant suggests that if such rejection is to be made the preferable timing would be in the copending application after allowance of the present application. Having offered this

suggestion, Applicant does not waive the right or possibility of filing in the future a Terminal Disclaimer in the captioned application in order to expedite prosecution of the captioned application.

C. PRIOR ART ISSUES AND PATENTABILITY OF THE CLAIMS

The only claims which have sustained a prior art rejection are claims 32 - 35, which now stand rejected as anticipated under 35 USC §102(b) by US Patent 5,886,332 to Plesko. This prior art rejection is respectfully traversed for at least the following reasons.

Independent claim 32 has been amended to specify that first means comprising the single optical element exteriorly surrounds an outer edge of the focusing lens (being adapted to separate a central portion of the laser beam from a surrounding portion of the laser beam). Support for the amendatory language occurs in the original disclosure, e.g., with reference to a second alternative embodiment described, e.g., in the text commencing with the last paragraph on page 17 (see also Figs. 5 and 6). Please note particularly in this regard reference to the "surrounding portion 121".

As such, independent claim 32 is directed to an optical device including means for selecting a central portion of the laser beam, such means being associated with an intact focusing lens (that is, a focusing lens which is not machined (e.g., by grinding or etching), nor covered by any paint or coating or mask). Since no portion of the lens is covered or machined, this focusing lens is advantageously capable of focusing the entire laser beam which is collected thereby.

By contrast, US Patent 5,886,332 to Plesko discloses a focusing device including a focusing lens having a peripheral area directly applied to the other surface of the lens (by applying a frosted tape, paint, or the like) or formed as an integral part of the surface of the lens. Plesko also discloses that the outer surface of the lens may be made opaque in

order to block light passing therefrom (see col. 7, lines 3 to 34, col. 8, lines 13 - 48 and 54 - 62, Fig. 9, Figs. 11A - 11E). In any event, US Patent 5,886,332 to Plesko discloses means for scattering or blocking a portion of the light beam which are directly applied or provided on the peripheral portion of the lens so that only a central portion of the light beam collected by the focusing lens is focused.

Applicant's independent claim 32 requires means for blocking the outer portion of the laser beam, such blocking means not being a part of the focusing lens nor directly applied thereto. Applicant's means exteriorly surrounds the outer edge of the focusing lens so that the entire portion of the laser beam collected by the focusing lens is focused.

Independent claim 32 is non-obvious over Plesko. For Applicant, a problem to be solved is that of allowing propagation of the entire portion of the laser beam collected by the focusing lens. Plesko does not solve this problem nor suggest any solution thereto. In fact, Plesko's focusing lens has a machined or covered peripheral portion which scatters or blocks the outer portion of the laser beam. Conversely, this problem is solved by the Applicant's invention as recited in claim 32, whereas the light beam blocking area is provided around the outer portion of the focusing lens, i.e., external to the lens. A further advantage provided by the Applicant's invention with respect to Plesko is that while Plesko's lens must be machined or treated, the Applicant's lens and its manufacturing is therefore more simple than that of Plesko. For the same reason, the Applicant's lens can be even more miniaturized than that of Plesko.

Therefore, independent claim 32 and claims 32 - 36 dependent thereon are patentable over US Patent 5,886,332 to Plesko.

D. MISCELLANEOUS

In view of the foregoing and other considerations, a formal indication of allowance is earnestly solicited.

OLIVA
Serial No. 09/497,552

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page(s) is captioned "Version With Markings To Show Changes Made."

The Commissioner is authorized to charge the undersigned's deposit account #14-1140 in whatever amount is necessary for entry of these papers and the continued pendency of the captioned application.

Should the Examiner feel that an interview with the undersigned would facilitate allowance of this application, the Examiner is encouraged to contact the undersigned.

Respectfully submitted,
NIXON & VANDERHYE P.C.

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By: H. Warren Burnam, Jr.
H. Warren Burnam, Jr.
Reg. No. 29,366

HWB:lsh
1100 North Glebe Road, 8th Floor
Arlington, VA 22201-4714
Telephone: (703) 816-4000
Facsimile: (703) 816-4100

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS

Please amend claim 32 as follows:

32. {ONCE AMENDED} Optical device for focusing a laser beam, said device comprising a single optical element upon which the laser beam is directed, said single optical element comprising:

a focusing lens; and

first means [disposed] exteriorly surrounding [around] an outer edge of the focusing lens, adapted to separate a central portion of the laser beam from a surrounding portion of the laser beam;

wherein the entire central portion of the laser beam collected by the lens is focused.